REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and the remarks made herein.

Claims 1-6 are pending and stand rejected. Claims 1-3 have been amended.

The instant Office Action maintains the rejection of claims 1-6 under 35 USC 102(e) as being anticipated by Gratacap (USP no. 6,195,368). The instant Office Action states, in reply to the response to the prior Office Action, that Gratacap "describes that the pointers of the to-be-discarded transport packets are modified. When a pointer is modified, a different memory address is being accessed, and the old data is replaced with new data. Regardless of how the pointer modification is carried out, the end result is that the memory address that previously referred to an invalid data item is now referring to a different, and valid, data item. This shows that – much like this morning's faulty blue ink pen – an item can be both discarded and replaced."

Applicant respectfully disagrees with, and explicitly traverses, the reason for rejecting the claims.

Gratacap describes a method and system for remultiplexing program bearing data wherein invalid data item are discarded. See for example, col. 20, lines 52-55, which state, in part, "[a]s the name suggest, the processor simply discards the transport packet." (emphasis added). See also, col. 23, lines 54-56, which state in part, "[a]ccording to this process, the process 160 simply skips the transport packet and descriptor therefore. The examined descriptor is not counted as one of the j transport packets to be output." (emphasis added). See also col. 26, lines 2-5, which state, in part, "selectively discards each transport packet having a PID indicating that the transport packet is not to be retained." And, see col. 28, lines 1-6, which state "[a]s noted above, if the transport packet corresponding to a descriptor in a queue examined by the processor 160 is not to be outputted ... the PID of this transport packet will index a transmit PID handler subroutine ... that does nothing." (emphasis added).

Amendment After Final Rejection   Docket No. PHFR000078
Serial No. 09/939,271

Hence, rather than applying a valid one instead of an invalid one as recited in the claims, discarding of transport packets is repeated throughout the teachings of Gratacap.

The instant Office Action refers to repositioning the pointers so that the memory address that previously referred to an invalid data item is now referring to a different and valid data item for teaching that invalid data items are replaced by a valid data item and processed accordingly. However, even if this "discarding and replacing" suggested by the Office Action could be found in the Gratacap reference, Gratacap fails to teach the pointers are repositioned in a manner that allows for "applying a valid date item selected from among the data items within the selected group of data," as is stated in the claim.

Accordingly, Gratacap cannot be said to anticipate the present invention because Gratap fails to disclose the claim element

Having shown that Gratacap fails to disclose each and every element recited in the claim, applicant submits that the reason for the rejection of the claim has been overcome. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

With regard to claims 2 and 3, these claims were rejected citing the same reference used in rejecting claim 1. Claims 2 and 3 include subject matter similar to that recited in claim 1. Thus, the remarks made in response to the rejection of claim 1 are also applicable in response to the rejection of claims 2 and 3. For the remarks made with regard to the rejection of claim 1, which are reasserted, as if in full, herein, in response to the rejection of the above referred to claims, applicant submits that the reason for rejecting these claims has been overcome and the rejection can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

With regard to claims 4-6, these claims depend from independent claims 1-3, respectively, which have been shown to be allowable over the cited prior art. Accordingly, claims 4-6 are also allowable by virtue of their dependence upon an allowable base claim. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

6

Amendment After Final Rejection
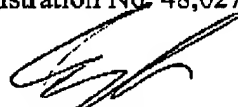Serial No. 09/939,271

Docket No. PHFR000078

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Aaron Waxler
Registration No. 48,027

Date: February 17, 2006

By: Steve Cha
Attorney for Applicant
Registration No. 44,069

Mail all correspondence to:
Aaron Waxler, Registration No. 48,027
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9624
Fax: (914) 332-0615

7